



CITY OF LYNNWOOD

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY OF LYNNWOOD, WASHINGTON, RATIFYING, CONFIRMING AND ADOPTING RULES AND REGULATIONS STATED IN THE MAYOR’S DECLARATION OF EMERGENCY – CITY OF LYNNWOOD COVID-19 RESPONSE DATED FEBRUARY 9, 2021.

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants the City broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”, including during public health emergencies and disasters; and

WHEREAS, RCW 38.52.070 establishes emergency and disaster response powers, and authorizes the City to, among other things, protect the health and safety of persons and property, and provide emergency assistance to the victims of such emergencies or disasters; and

WHEREAS, pursuant to LMC 7.20.060A, the Mayor has the authority to declare that an emergency exists; and

WHEREAS, pursuant to LMC 7.20.070A, when the Mayor has issued a declaration of emergency under LMC 7.20.060A, the Mayor has authority to “make and issue rules, regulations and orders on matters reasonably related to the protection of life and property as affected by such disaster,” provided, that rules, regulations or orders that suspend or alter provisions of an existing ordinance must be confirmed by the City Council by means of a resolution within 30 days if possible; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a public health emergency based on COVID-19, which is a respiratory disease that can result in serious illness or death, and which can easily spread from person to person; and

WHEREAS, on February 29, the Governor of the State of Washington declared that a state of emergency exists due to COVID-19, and Snohomish County and other counties state-wide have issued similar declarations of emergency; and

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WHEREAS, on March 4, 2020, the Snohomish County Health District issued a declaration of emergency regarding the COVID-19 pandemic, and other local health districts have done the same throughout the State; and

WHEREAS, in the exercise of the authority granted under Chapter 7.20 of the City code, including LMC 7.20.060A, on March 4, 2020, the Mayor of the City of Lynnwood determined that the threat to public health necessitates the use of emergency powers granted under RCW 38.52.070 and Chapters 7.20 and 2.92 of the City code, and therefore to protect the health, safety and welfare of the people of the City, the Mayor issued the Mayoral Declaration of Emergency – City of Lynnwood COVID-19 Response; and

WHEREAS, on March 17, 2020, the Mayor issued a second Mayoral Declaration of Emergency – City of Lynnwood COVID-19 Response, confirming the continued existence of an emergency; and

WHEREAS, all of these Declarations of Emergency based on the COVID-19 pandemic continue in effect today; and

WHEREAS, pursuant to the authority granted in LMC 7.20.070A, in the March 17, 2020 Declaration of Emergency, among other things, the Mayor declared and ordered that the response to COVID-19 may require the waiver of water service discontinuation otherwise required under LMC 13.34.070A; and

WHEREAS, based on the circumstances described in the recitals above and in the Mayor’s March 4, 2020 and March 17, 2020 Declarations of Emergency, on June 8, 2020 the City Council adopted Resolution No. 2020-06, ratifying and confirming the rules or regulations stated in the Mayor’s Declarations of Emergency; and

WHEREAS, on April 17, 2020, Governor Inslee issued Proclamation No 20-23.2, “Ratepayer Assistance and Preservation of Essential Services,” which recognized the severe negative impact of the COVID-19 pandemic on the financial and economic resources of individuals and businesses, and prohibited water and other utilities from taking certain actions in response to a customer’s inability to pay, and this Proclamation, as amended, continues in effect today; and

WHEREAS, on May 29, 2020, Governor Inslee issued Proclamation No. 20-23.4, which extended Proclamation No. 20-23.2 and also required water and other utilities to develop Customer Support Programs designed to help ensure that customers experiencing economic hardship as a result of the COVID-19 pandemic maintain access to essential services; and

WHEREAS, the City developed a Customer Support Program and other customer assistance in accordance with Proclamation No. 20-23.4; and

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WHEREAS, City staff determined that to provide additional assistance to customers of the City’s utility systems, the City should waive the process for a customer to re-apply to continue to be eligible for certain special utility rates, which is currently required under LMC 13.20.080A.4; and

WHEREAS, pursuant to LMC 7.20.060A and LMC 7.20.070A, on February 9, 2021, the Mayor of the City of Lynnwood determined that the state of emergency caused by the COVID-19 pandemic continues to exist, and to further protect public health and safety, and the economy of the City, the Mayor directed the Finance and Public Works Departments to waive the reapplication process under LMC 13.20.080A.4, so that customers eligible for the special utility rates authorized under LMC 13.20.080A during a previous year may remain eligible for those rates while the State of Emergency remains in effect; and

WHEREAS, based on the circumstances described above and in the Mayor’s February 9, 2021 Declaration of Emergency, the City Council wishes to ratify and confirm the rules or regulations stated in that Declaration of Emergency, and any and all acts of City departments and staff that have been taken pursuant to those rules or regulations; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO RESOLVE AS FOLLOWS:

Section 1. Findings. The recitals stated above, and in the March 4, 2020, March 17, 2020 and February 9, 2021 Mayoral Declarations of Emergency – City of Lynnwood COVID-19 Response, are incorporated by reference as support for this Resolution.

Section 2. Ratification and Confirmation.

- A. The City Council hereby ratifies, confirms and adopts the provisions of the February 9, 2021 Mayoral Declaration of Emergency -- City of Lynnwood COVID-19 Response that “direct the Finance and Public Works Departments to waive the reapplication provision of LMC 13.20.080A.4, in order that customers eligible for certain special utility rates during a previous year remain eligible while the State of Emergency so declared remains in effect.”
- B. Any and all acts taken by City departments and staff consistent with or pursuant to the February 9, 2021 Mayoral Declaration of Emergency -- City of Lynnwood COVID-19 Response are ratified, confirmed and authorized.

Section 3. Effective Date. This Resolution shall take effect on its date of passage.

1 PASSED BY THE CITY COUNCIL this 8th day of March, 2021.

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APPROVED:

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DocuSigned by:

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Nicola Smith

3/9/2021

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Nicola Smith, Mayor

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10 ATTEST/AUTHENTICATED:

DocuSigned by:

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Karen Fitzthum

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Karen Fitzthum, City Clerk